

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

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)	
LEWIS FARMS,)	
)	
Employer,)	Case No. 95-RD-2-VI
)	
and)	
)	
ADOLFO PALACIOS RODRIGUEZ,)	
)	
Petitioner,)	21 ALRB No. 7
)	(September 1, 1995)
and)	
)	
UNITED FARM WORKERS OF)	
AMERICA, AFL-CIO,)	
)	
Certified Bargaining)	
Representative.)	
)	

DECISION ON REVIEW OF REGIONAL
DIRECTOR'S DISMISSAL OF DECERTIFICATION PETITION

On August 17, 1995, the Agricultural Labor Relations Board's (ALRB or Board's) Visalia Regional Director dismissed the petition herein, finding that the Employer had improperly assisted in the circulation of the decertification petition. On August 24, 1995, the Employer filed a request for review of the Regional Director's dismissal and on August 30, 1995, filed supplemental points and authorities in support thereof. The Board has reviewed the Regional Director's action under Labor

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union, ..." To allow the employer to initiate an appeal, rather than the decertification petitioner, would therefore involve the employer in the election process in a manner not contemplated by the Act.²

DATED: September 1, 1995

MICHAEL J. STOKER, Chairman

IVONNE RAMOS RICHARDSON, Member

LINDA A. FRICK, Member

²The Employer also argues that denying it standing to appeal the dismissal of the decertification petition violates its federal and state constitutional rights of freedom of contract and association. While the Board perceives no constitutional infirmity, the Board does not, in any event, have the authority to declare its regulations, or any portion of the Act, unconstitutional. (Cal. Const., art. III, sec. 3.5.)

CASE SUMMARY

Lewis Farms (Adolfo
Palacios Rodriguez
and UFW)

21 ALRB No. 7
Case No. 95-RD-2-VI

Background

On August 17, 1995, the Regional Director dismissed the decertification petition herein, finding evidence of Employer assistance. The Employer filed a request for review of the Regional Director's dismissal.

Board Decision

The Board denied the Employer's request for review. Board Regulations section 20393(a) provides that only the party whose petition for certification or decertification or objections petition has been dismissed by the regional director (or executive secretary, in the case of objections petitions) may request that the Board review a dismissal. The application of Regulations section 20393(a) to decertification petitions is consistent with the Agricultural Labor Relations Act, which provides that only employees may initiate a change of collective bargaining representative.

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This Case Summary is furnished for information only and is not an official statement of the case, or of the ALRB.

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